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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/362,425	07/28/1999	WILLIAM J. TISO	024/1	6854

7590 08/13/2004

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EXAMINER

NGUYEN, DUC MINH

ART UNIT	PAPER NUMBER
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2643

13

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/362,425

Applicant(s)

TISO ET AL.

Examiner

Duc Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 26-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 26-33, 35-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Trumbull (6,118,763).

Consider claim 26. Trumbull teaches an apparatus comprising an rj-11 port to receive an rj-11 connector from end user equipment or a telephone network (col. 13, ln. 65 to col. 14, ln. 7); a detection circuit to automatically detect whether the rj-11 port receives an rj-11 connector from end user equipment or from a telephone network (fig. 2; port 275 can be configured either as a SLIC or a telephone port; col. 14, ln. 24-60, i.e., a conventional telephone set can be connected to the SLIC or a telephone line can be connected to the telephone port); and control circuit to

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automatically configure the rj-11 port to interface to the end user equipment or the telephone network, based on the detection of the detection circuit (fig. 2; port 275 can be configured either as a SLIC or a telephone port (DAA port); col. 14, ln. 24-60).

Consider claims 27-28. The network interface card (200, fig. 2) reads on the computer modem board (see also the rejection of claim 26).

Consider claims 29, 31. The network interface card (200, fig. 2) reads on the computer modem board (see also the rejection of claim 26).

Consider claim 30. Trumbull further teaches the rj-11 connector is connected to a PBX (col. 14, ln. 52-60).

Consider claims 32-33. The network interface card (200, fig. 2) reads on the computer modem board (see also the rejection of claim 26). Trumbull does not clearly teach that the Rj-11 port comprises an rj-11 port on a fax machine. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a fax machine in place of the network interface card without changing the scope of the invention that is to provide a smart interface that would solve any incompatibility problems and provide users with greater choices and flexibility when selecting telephone equipment.

Consider claim 35. Trumbull teaches an apparatus comprising an rj-11 port to receive an rj-11 connector from end user equipment or a telephone network (col. 13, ln. 65 to col. 14, ln. 7); a detection circuit to automatically detect whether the rj-11 port receives an rj-11 connector from end user equipment or from a telephone network (fig. 2; port 275 can be configured either as a SLIC or a telephone port; col. 14, ln. 24-60, i.e., a conventional telephone set can be connected to the SLIC or a telephone line can be connected to the telephone port); and control circuit to

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automatically configure the rj-11 port to interface to the end user equipment or the telephone network, based on the detection of the detection circuit (fig. 2; port 275 can be configured either as a SLIC or a telephone port; col. 14, ln. 24-60).

Consider claims 36-37. The network interface card (200, fig. 2) reads on the computer modem board (see also the rejection of claim 35).

Consider claims 38, 40. The network interface card (200, fig. 2) reads on the computer modem board (see also the rejection of claim 35).

Consider claims 39. Trumbull further teaches the rj-11 connector is connected to a PBX (col. 14, ln. 52-60).

Consider claims 41-42. The network interface card (200, fig. 2) reads on the computer modem board (see also the rejection of claim 26). Trumbull does not clearly teach that the Rj-11 port comprises an rj-11 port on a fax machine. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a fax machine in place of the network interface card without changing the scope of the invention that is to provide a smart interface that would solve any incompatibility problems and provide users with greater choices and flexibility when selecting telephone equipment.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 34, 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trumbull (6,118,763) in view of Bridger et al (6,272,209).

Consider claims 34, 43. Trumbull does not teach a port control apparatus comprising means for monitoring the presence of loop voltage, and for detecting if the loop voltage ceases to be present for a predetermined time; means for supplying an output voltage if the input voltage ceases to be present after a predetermined time. However, Trumbull teaches providing power to the telephone equipment in case the telephone port configured as a SLIC (col. 14, ln. 37-43).

Bridger further teaches a port control apparatus comprising means for monitoring the presence of loop voltage, and for detecting if the loop voltage ceases to be present for a predetermined time; means for supplying an output voltage if the input voltage ceases to be present after a predetermined time (when the power goes down at the CPE, the switch 352a-b is changed to connect the telephone directly to the line 370 in order to receive power from the LTE 300; see the abstract; col. 4, ln. 1-12; col. 6, ln. 51 to col. 7, ln. 54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Bridger into the teachings of Trumbull in order to provide lifeline telephony for voice over subscriber line in case of power failure.

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims 26-43 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

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6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is 703-308-7527. The examiner can normally be reached on 6:00AM-2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Duc Nguyen  
Primary Examiner  
Art Unit 2643

8/5/04